

CITY COUNCIL

Meeting Agenda

REGULAR MEETING
2008
COUNCIL CHAMBERS

MON, NOVEMBER 24,
7:00P.M.

OPENING MATTERS

CALL TO ORDER

INVOCATION: Pastor Randy Mendez, Iglesia Evan. Vida Nueva

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Council Commendation

- Holy Name Girls Volleyball Team

Mayoral Proclamation

- National Farm City Week, accepted by

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative

business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

APPROVAL OF AGENDA & MINUTES

AGENDA: Council Meeting of November 24, 2008

MINUTES: Council Meeting of November 10, 2008

Consent Agenda Legislation

Resolution – authorizing the Mayor to file an application for HRA funds/grant in the amount of \$500,000 dollars for the “Goggle Works Apartments” project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania and/or the Department of Community and Economic Development (DCED) **(Solicitor)**

Resolution – authorizing the Mayor to file an amended application for “RACP” funds in the amount of \$8.25 million dollars (\$8,250,000.00) for the “Goggle Works Apartments” project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania **(Solicitor)**

Award of Contract - to award the contract to Economics Research Associates, Chicago, IL at a total submittal price of \$65,000 to perform a feasibility study for the development of an environmental education center at the Angelica Park for the Department of Public Works. **(Purchasing)**

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

ORDINANCES FOR FINAL PASSAGE

Bill No 73-2008 – incurring debt under the Debt Act as lease rental debt to be evidenced by a guaranty agreement of the City securing the guaranteed parking revenue note – series of 2008 to be issued by Reading Parking Authority to finance a portion of the Convention Center Hotel Parking Garage **(Parking Authority)**

***Introduced at the November 10 regular meeting TO BE DISTRIBUTED MONDAY
THE 24th***

Bill No 74-2008 – adding a provision to the Graffiti Ordinance allowing the citation of parents/guardians of minors for all violations (**Police Dept**) ***Introduced at the November 10 regular meeting***

Bill No 75-2008 - Establishing the General Fund Budget for the City of Reading including revenues and expenses for the fiscal year beginning January, 1 2009 and ending December 31, 2009. ***Introduced at the October 1 Special Meeting; Public Hearing October 22 TO BE DISTRIBUTED MONDAY***

Bill No 76-2008 - Establishing the Capital Improvement Program Budget for the City of Reading including revenues and Capital expenditures for the fiscal year beginning January 1, 2009 and ending December 31, 2009 ***Introduced at the October 1 Special Meeting; Public Hearing October 21***

Bill No 77-2008 - Establishing the Full-Time Employee positions & salaries for the City of Reading for the fiscal year 2009. ***Introduced at the October 1 Special Meeting TO BE DISTRIBUTED MONDAY***

Bill No 78-2008 – Levying and increasing the real estate taxes to for the fiscal year beginning January 1 2009 and ending December 31, 2009 ***Introduced at the October 1 Special Meeting TO BE DISTRIBUTED MONDAY***

Bill No 79-2008 - Increasing the Home Rule Earned Income Tax to 1 mil, for a total City EIT of 2 ***Introduced at the October 1 Special Meeting TO BE DISTRIBUTED MONDAY***

Bill No 80-2008 - An Ordinance Amending The City Of Reading Zoning Ordinance Per Exhibit "A," To Amend The Definitions Of Life Care Retirement Facility And Nursing Home, To Add Definition Of Personal Care Home, To Provide The Use Of Life Care Retirement Facility And Nursing Home As A Special Exception And Requirements Therefore In The City Of Reading R-2 (Residential), R-3 (Residential) And C-R (Commercial Residential) Zoning Districts And To Correct And Add To The Requirements Of Residential Care Facility As A Conditional Use (**Law Dept**) ***Introduced at the October 13 regular meeting of Council; public hearing scheduled on November 19***

Pending
Advertisement and Public Hearing Required by MPC
Notice of Pending Ordinance Doctrine

Ordinance – amending the City of Reading Zoning Ordinance by prohibiting all rental uses – single family and multi family – in the R-1, R-1A and R-2 zoning districts. **(Marmarou-Council Staff) Introduced at the October 13 regular meeting of Council, Advertised October 15, Public Hearing scheduled on November 19**

Pending – Further Review Required

Bill No. 26-2008 - amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund **(Council Pres. Spencer- Council Staff) Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee; Tabled at the 4/14/08 Regular Meeting**

Bill No 59-2008 – amending the Sidewalk Vendor Ordinance by changing the location and increasing the number of mobile food vendors **(Council Staff) Introduced at the September 8 regular meeting of Council; tabled at the September 22 regular meeting of Council; referred to Ad Hoc Committee**

Bill No. 63-2008 - Amending The City Of Reading Codified Ordinances, Chapter 6 Conduct By Creating A New Section 402 Of Part A Entitled “Failure To Report Lost Or Stolen Firearms”, Which Will Require Prompt Notification To Authorities Of Lost Or Stolen Firearms And Impose Penalties **(Mayor) Introduced at the September 22 regular meeting; Tabled at the October 13 meeting; referred to the Public Safety Committee**

INTRODUCTION OF NEW ORDINANCES

Ordinance - establishing policies to facilitate requests for public records of the City of Reading, the manner in which records shall be disseminated, the manner in which decisions shall be made concerning dissemination of public records, and establishing a fee schedule for duplication and certification of public records of the City of Reading **(Council Staff)**

RESOLUTIONS

Resolution – Denying the Conditional Use application for the conversion of 164 West Oley Street to a two unit dwelling (**Council Staff**)

Resolution – Reappointing Nilda Nieves to the Police Civil Service Board (**Admin Oversight**)

Resolution – Appointing Barrie Pease to the Animal Control Board (**Admin Oversight**)

Resolution – Appointing Carlos Torres to the Fire Diversity Board (**Admin Oversight**)

PUBLIC COMMENT – GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, November 24

Budget Meeting – Council Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Tuesday, November 25

Sidewalk Vendor Meeting – Council Chambers – 11:30 am

HARB Appeal Hearing (storage shed in City Park) – Council Chambers 5 p.m.

Thursday, November 27

***City Hall closed*

Friday, November 28

***City Hall closed*

Monday, December 1

Meeting with the Mayor – Mayor's Office – 4 pm

Public Safety Committee – Council Office – 5 pm

Finance Committee – Council Office – 5 pm

Monday, December 8

Meeting with the Mayor – Mayor's Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, November 24

DID Authority – Reading Eagle 3rd Floor Conference Room – noon

BARTA – BARTA Office – 3 pm

Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm

Charter Board – Penn Room – 7 pm

Penn's Commons Neighborhood Group – Penn's Commons Meeting Room – 7 pm

Tuesday, November 25

Housing Authority Workshop – WC Building – 4 pm

Housing Authority Meeting – WC Building – 5 pm

Human Relations Commission – Penn Room – 5 pm

Library Area Neighborhood Assn – Unitarian Church – 6:30 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

Wednesday, November 26

Parking Authority – Parking Authority Office – 5 pm

District 6 Crime Watch – 13th & Green Elementary School – 6:30 pm

Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30 pm

18th & Cotton Community Crime Watch – St. Matthew's UM Church – 7 pm

Northeast Crime Watch – Northeast Library – 7 pm

Stadium Commission – Stadium RBI Room – 7:30 pm

Monday, December 1

Centre Park Artifacts Bank – 705 N 5th St – noon

Shade Tree Commission – Planning Conference Room – 6 pm

Wyomissing Park Property Owner's Assn – member's home – 6:30 pm

Wednesday, December 3

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

Thursday, December 4

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Christ Lutheran Church – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Legislative Aide Committee – Penn Room – 7:30 pm

Monday, December 8

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Charter Board – Penn Room – 6 pm

City of Reading City Council

Regular Meeting

Monday, November 10, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Steve Elmarzouky, from the Islamic Center of Reading

All present pledged to the flag.

ATTENDANCE

Council President Spencer

Councilor Fuhs, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Baez, District 5

Mayor T. McMahon

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Public Works Director C. Jones

Sgt at Arms Capt R. Shafer

PROCLAMATIONS AND PRESENTATIONS

City Council issued a commendation in honor of Veteran's Day accepted by the Combined Veteran's Council.

PUBLIC COMMENT

Council President Spencer announced that 2 citizens were registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the end of the meeting was suspended.

Council President Spencer reminded those registered to speak about the remaining speaking rules.

Rachael Bashore, President of the Greater Reading Young Professionals Association, explained that this group was formed to encourage young professionals to work and live in the Reading area. She stated that this organization supports the Riverview Project and the PRD as they believe this project will offer a recreational, shopping, dining, and living atmosphere that will attract young adults.

Managing Director Hottenstein arrived at this time.

Terry Mc Kim, of the Greater Young Professionals Association, also expressed support for the Riverview Development as it will bring new excitement to the area and inspire people to relocate within the City limits.

APPROVAL OF AGENDA AND MINUTES

Council President Spencer asked Council to consider the agenda for this meeting and the minutes from the October 13th and the October 27th Regular Meetings of Council. Council President Spencer noted the need to add to pieces of legislation to the agenda; first an Ordinance to be introduced that will amend the graffiti ordinance by allowing citation to parents and minors and second amendments to the 2009 General Fund Budget. Council President Spencer stated that there are two items under the Consent Agenda heading that will be adopted on approval of the agenda.

Councilor Baez moved, seconded by Councilor Sterner, to approve the agenda as amended, the legislation listed under the Consent Agenda heading and minutes from the October 13th and October 27th Regular Meeting of Council. The motion was approved unanimously.

CONSENT AGENDA

Resolution 114-2008 – sewage module for Alvernia South Campus Development (Public Works)

Resolution 115-2008 – sewage module for Muner Yacoub, development in the 600 block of Linden St (Public Works)

ADMINISTRATIVE REPORT

Mayor McMahon highlighted the report distributed to Council at the meeting covering the following:

- Installation of the downtown security cameras
- Centre Park Historic House Tour scheduled for Sunday December 14th.
- Hanging of Greens in Downtown Reading scheduled for Saturday November 15th

Mayor McMahon stated that Bill 63 pertaining to stolen firearms will remain pending to allow further discussion on the effect of the Ordinance.

Councilor Goodman-Hinnershitz announced that the National Dog Show will occur at the Greater Reading Expo Center on Saturday November 22nd.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- Collection of the Liquid Fuels Funds
- Collection of payment in lieu of taxes
- Collection of the cable franchise fees

City Auditor Cituk stated that he has also provided his comments on the proposed 2009 General Fund Budget as required by Charter.

Council President Spencer reminded City Auditor Cituk of City Council's request to him regarding reports on the City's Capital projects. City Auditor Cituk questioned the requests. City Clerk L. Kelleher explained that the Charter requires quarterly reporting on all ongoing Capital Projects with final audit inclusion of the project.

ORDINANCES FOR FINAL PASSAGE

Bill No 71-2008 – Amending the City of Reading Codified Ordinances Chapter 15 Parking Meters, Section 15-517 (2) Notice of Violation; Penalty; Waiver by increasing the fine to \$15 and \$30 after 10 days but within 20 days of the violation (**Parking Authority**)
Introduced at the October 27 regular meeting

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 71-2008.

Council President Spencer explained that the Parking Authority recently concluded a study of its facilities and revenues. The report suggested increasing a number of fines

and fees. The parking meter fine and the fine for parking illegally in a handicapped area need Council's approval.

Bill 71-2008 was enacted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President – 6.**

Nay: None – 0.

Bill No 72-2008 – Amending the City of Reading Codified Ordinances Chapter 15 Parking Meters, Section 15-416 Notice of Violation; Waiver by increasing the fine for parking at handicapped areas to \$125 and \$200 after 10 days but within 20 days of the violation (**Parking Authority**) *Introduced at the October 27 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to enact Bill 72-2008.

Council President Spencer stated that this increases the fine for those parking in handicapped spaces without the proper tags. He noted that the Parking Authority's study suggested increasing this fine up to \$250 which is charged by other Berks County Communities. He noted that the Parking Authority requested increasing the fine to only \$125.

Councilor Marmarou noted that the Pennsylvania Statute also allows for towing of cars parked illegally in handicapped areas.

Bill 72-2008 was enacted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President – 6.**

Nay: None – 0.

Ordinance- Establishing the General Fund Budget for the City of Reading including revenues and expenses for the fiscal year beginning January, 1 2009 and ending December 31, 2009. Introduced at Special Mtg 10-1-08

Amendments to the 2009 General Fund Budget were introduced at this meeting.

Ordinance- Establishing the Capital Improvement Program Budget for the City of Reading including revenues and Capital expenditures for the fiscal year beginning January 1, 2009 and ending December 31, 2009 Introduced at Special Mtg 10-1-08

Ordinance- Establishing the Full-Time Employee positions & salaries for the City of Reading for the fiscal year 2009. Introduced at Special Mtg 10-1-08

Ordinance- Levying the real estate taxes for the fiscal year beginning the first day of January 2009 and ending the thirty-first day of December 2009 Introduced at Special Mtg 10-1-08

Ordinance- Increasing the Earned Income Tax to 1.4 mills Introduced at Special Mtg 10-1-08

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance – incurring debt under the Debt Act as lease rental debt to be evidenced by a guaranty agreement of the City securing the guaranteed parking revenue note – series of 2008 to be issued by Reading Parking Authority to finance a portion of the Convention Center Hotel Parking Garage (**Parking Authority**)

Ordinance- amending the graffiti ordinance to allow citation of parents/guardians and minor children.

RESOLUTIONS

Resolution 110-2008 – directing the Administration to withhold from draining Bernhart's Lake as requested by the Pa DEP due to the unremediated contamination of this property (**Council Staff**) **Tabled at the October 27th meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to table Resolution 110-2008.

A motion to table Resolution 110-2008 was not adopted by the following vote.

Yea: Goodman-Hinnershitz, Marmarou, Spencer President – 3.

Nay: Baez, Fuhs Sterner – 3.

Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolution 110-2008.

Councilor Goodman-Hinnershitz expressed concern that the drained lake will provide greater public access to severely polluted areas of the park. She noted the receipt of memorandum from the Public Works Director and City Engineer concerning the potential damage to the dam breast. Assessment of the dam breast can only be obtained if the lake is drained.

Councilor Fuhs expressed the belief that the Public Safety concerns caused by the faulty dam breast are larger than those caused through the contamination of the park property.

Councilor Goodman-Hinnershitz countered that draining the lake will increase public access to the most highly contaminated areas of the park. She stated that although people believe this park is not highly used there is great evidence of public use throughout the park.

Public Works Director C. Jones stated that the DEP is suspicious that the dam breast is leaking. He stated that draining the lake will allow an inspection of the dam breast and allow consideration of the necessary repairs. He stated that although the City is concerned with the unremediated contamination the EPA has assured the City that the bed of the lake is not contaminated.

City Clerk Kelleher countered that although the dam bed is not highly contaminated the access to the highly contaminated areas of the park will be more increased when the lake is drained.

Council President Spencer asked Public Works Director C. Jones if he believes the dam breast is leaking. Public Works Director Jones replied affirmatively. Council President Spencer asked Public Works Director Jones how long it will take to drain the lake. Public Works Director Jones stated that it will not take much time to drain the lake. He stated that the City has already retained Gannet Flemming to advise and assist with this process. He stated that Gannet Flemming also assisted the City when Angelica Dam was breached.

Council President Spencer asked Public Works Director Jones when the lake will be drained. Mr. Jones replied that it is unknown.

Councilor Goodman-Hinnershitz noted the need to consider fencing of the property to protect the highly contaminated areas. Public Works Director Jones agreed.

Councilor Marmarou if the DEP will recheck the contamination level of the lake bed when the lake is drained. Public Works Director Jones stated that the DEP will only check the condition of the dam.

Councilor Goodman-Hinnershitz noted the move across the nation to remove dams. She noted the history and beauty of the lake and the park.

Resolution 110-2008 was not adopted by the following vote.

Yea: None– 0.

Nay: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer-President – 6.

Resolution 116-2008 - authorizing submission of the FFY 2009 CDBG action plan and the FFY 2009 to FFY 2013 five year Consolidated Plan to the United States Department of Housing and Urban Development **(Community Development)**

Councilor Marmarou moved, seconded by Councilor Fuhs, to adopt Resolution 116-2008.

Managing Director Hottenstein stated that HUD requires annual CDBG Action Plan to be approved by the governing body by Nov. 15th. He stated that this action will also approve the 5 year consolidated plan previously reviewed by Council. He noted the City's improvement in spending budgeted HUD dollars.

Resolution 116-2008 was adopted by the following vote.

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer-President – 6.

Nay: None - 0

COUNCIL COMMENT

Councilor Baez thanked all who volunteered on Election Day.

Councilor Baez thanked the Public Works Department for installing a No Parking sign on Colombia Ave. as requested by a City business.

Councilor Baez also noted receiving a request for the installation of the street light at 2nd & Greenwich Street. She stated that this request was made before and asked Public Works Director to provide information on when the light will be installed.

Councilor Baez announced the upcoming Dare to Care meeting at the Bethel AME Church.

Councilor Marmarou announced the upcoming College Heights Community Council meeting and Christmas Party on December 14th at Nativity Lutheran Church.

Councilor Marmarou noted the great Election Day turnout and thanked all those who exercised their right to vote.

Councilor Goodman-Hinnershitz thanked the Board of Elections and the Elections Office for their work to make Election Day successful. She noted the excitement of those who voted. She also thanked those who volunteered by working at the polls.

Councilor Goodman-Hinnershitz described the Halloween events hosted by community groups in southeast Reading.

Councilor Goodman-Hinnershitz noted the importance of reviewing and discussing the PRD overlay as this Ordinance will define the development of the Riverfront Area in southwest Reading.

Councilor Sterner noted his belief in the proper redevelopment of Southwest Reading and agreed that the PRD Ordinance must be reviewed and discussed before action is taken.

Councilor Sterner noted the upcoming Christmas Light attraction at Hillside Playground.

Council President Spencer congratulated all those who voted and asked that they stay involved and continue to exercise their right to vote. He noted that voter turnout is generally higher during Presidential and Gubernatorial Elections. He noted the need for strong voter turnout when local municipal officials are elected.

Council President Spencer noted the need for Council to carefully consider the Riverview Project and PRD. He stated that Council is not being obstructive but just exercising good due diligence to protect the taxpayers interest.

Mayor McMahon noted a complaint filed with the Elections Office regarding precinct workers demonstrating appreciation to first time voters. He noted the importance of encouraging first time voters and congratulated the workers at this precinct for showing that appreciation.

Council President Spencer reviewed Council's schedule for the next two weeks.

Councilor Marmarou moved, seconded by Councilor Baez, to adjourn the regular meeting of Council.

Linda Kelleher
City Clerk

RESOLUTION NO. _____

WHEREAS, the Housing and Redevelopment Assistance (HRA) Program supports local initiatives that promote the growth and stability of neighborhoods and communities; and

WHEREAS, the City of Reading has identified the acquisition and redevelopment of a certain area situate in the vicinity of Second and Washington Streets, Reading, Berks County, Pennsylvania, and known as the "Goggle Works Apartments" project, as eligible for such HRA assistance; and

WHEREAS, the "Goggle Works Apartments" project of Goggle Works Apartments, LLC, a subsidiary of Our City Reading, Inc., will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact therein.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the Mayor of the City of Reading is authorized to file an application for HRA funds/grant in the amount of \$500,000 dollars for the "Goggle Works Apartments" project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania and/or the Department of Community and Economic Development (DCED).

Adopted by Council _____, 2008

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program ("RACP"); and

WHEREAS, the City of Reading has identified the acquisition and redevelopment of a certain area situate in the vicinity of Second and Washington Streets, Reading, Berks County, Pennsylvania, and known as the "Goggle Works Apartments" project, as eligible for such "RACP" assistance; and

WHEREAS, the "Goggle Works Apartments" project of Goggle Works Apartments, LLC, a subsidiary of Our City Reading, Inc., will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact therein; and

WHEREAS, on February 11, 2008, City Council enacted Resolution 14-2008 which authorized the Mayor to file an application for "RACP" funds in the amount of \$7.0 million dollars for the "Goggle Works Apartments" project; and

WHEREAS, the City of Reading desires to submit an amended application to increase the fund amount to \$8.25 million dollars (\$8,250,000.00).

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

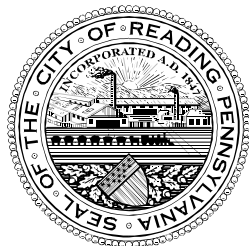
That the Mayor of the City of Reading is authorized to file an amended application for "RACP" funds in the amount of \$8.25 million dollars (\$8,250,000.00) for the "Goggle Works Apartments" project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania.

Adopted by Council _____, 2008

President of Council

Attest:

City Clerk



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: November 24, 2008
AGENDA MEMO DATE: November 14, 2008
RECOMMENDED ACTION: Awarding of Contract to perform a feasibility study for the development of an environmental education center at the Angelica Park for the Department of Public Works.

RECOMMENDATION

The recommendation is to award the contract to Economics Research Associates, 20 East Jackson Boulevard, Suite 1200, Chicago, IL 60604, at a total submittal price of \$65,000.

BACKGROUND

Proposals to perform a feasibility study were received on September 9, 2008. The proposals were reviewed by a selection committee which ranked each firm on a series of criteria. The selection committee discussed the submittals and determined ERA was more superior to the other firms.

A copy of the Schedule of Proposals is attached for your review.

BUDGETARY IMPACT

The Department of Public Works has confirmed that funds sufficient for this contract have been included in CIP budget account code 34-07-73-4216, project number 34-07-73-105.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the November 24, 2008 meeting.

RECOMMENDED BY

Mayor, Managing Director, Directors of Finance and Public Works and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation to perform a feasibility study for the development of an environmental education center at the Angelica Park in order that the contract may be awarded to Economics Research Associates.

cc: File

September 9, 2008

To the Mayor
City Hall
Reading, PA

RFP FOR FIRMS TO PERFORM A FEASIBILITY STUDY FOR THE DEVELOPMENT OF AN ENVIRONMENTAL EDUCATION CENTER AT THE ANGELICA PARK FOR THE DEPARTMENT OF PUBLIC WORKS, CITY OF READING, PENNSYLVANIA

Proposals were received from the following firms:

| | |
|---|-------------|
| Economics Research Associates 20 East Jackson Boulevard Suite 1200 Chicago, IL 60604 | \$65,000.00 |
| Seiler + Drury 420 DeKalb Street Norristown, PA 19401 | \$64,200.00 |
| STV 205 West Welsh Drive Douglassville, PA 19518 | \$59,500.00 |

HEATHER L. DUNKLE
Purchasing Coordinator

BILL NO. _____-2008
AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 6, PART 3 GRAFFITI, SECTION 6-308 - ENFORCEMENT PROCEDURE BY ADDING A PROVISION THAT ALLOWS THE CITATION OF PARENTS/GUARDIANS OF MINORS FOR ALL VIOLATIONS OF THIS PART.

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 6, Part 3 Graffiti, Section 6-308 Enforcement Procedure as attached in Exhibit A

SECTION 2. All other sections, parts and provisions of the City of Reading Code of Ordinances shall remain in full force and effect as previously enacted and amended.

SECTION 3. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221.

Enacted _____, 2008.

President of Council

Attest: _____
City Clerk

(Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

CHAPTER 6 PART 3 GRAFFITI

§6-301. Purpose.

Graffiti contributes to the deterioration of property values, unsightliness and general disorder in a community. Recognizing this community problem, the purpose of this Part is to promote safety and general welfare of the residents/citizens of the City by helping to create a graffiti free environment.

(*Ord. 5-1998, 3/23/1998, §1; as amended by Ord. 30-2003, 9/22/2003, §1*)

§6-302. Definitions.

DIRECTOR - the Director of the Department of Public Works.

GRAFFITI -

A. Any inscription, work, symbol, figure, making or design, including but not limited to, tags, throw-ups and pieces, that is marked, etched, scrawled, stained, drawn or painted, stuck on, or adhered to any surface on public or private property without the express permission of the owner or owner's agent of such property including, but not limited to, any wall, underpass, overpass, trestle, tree, sign, pole, playground apparatus, utility box, building, structure, fixture or other improvement whether permanent or temporary, regardless of the content or nature of the material that has been applied, and which is visible from any public property or the public right-of-way, or from any private property other than the property on which the graffiti exists.

B. Graffiti shall not be construed to apply to easily removable chalk markings on the public sidewalks and streets used in connection with traditional children's games.

GRAFFITI ABATEMENT COSTS AND EXPENSES - the costs and expenses of having the defaced property repaired or replaced when the City determines that removal of the graffiti would not [be] cost effective; and the law enforcement costs and expenses incurred in identifying and apprehending a responsible party; and the related administrative, overhead and incidental costs incurred in performing or causing the performance of the enforcement, abatement or collection procedures described in this Part and related court costs and attorneys fees.

GRAFFITI IMPLEMENT - any implement capable of marking a surface to create graffiti, including, but not limited to, aerosol or pressurized paint containers, markers, gum labels, paint brushes or etching tools capable of scarring glass, metal, concrete or wood.

GUM LABELS - any material such as, but not limited to, decals, stickers, posters or labels which contain a substance commonly known as adhesive or glue, which cannot be removed from the surface in an intact condition and with minimal efforts.

MARKER - any indelible or permanent marker or similar implement with a point, brush, applicator or other writing surface which at its broadest width is 3/8 of an inch or greater and contains ink that is not water soluble.

MINOR - any person under the age of 18 years.

PAINT STICK or GRAFFITI STICK - any device containing a solid form of paint, chalk, wax, epoxy, or other similar substances capable of being applied to a surface by pressure and upon application, leaving a visible mark and that is not water soluble.

PERSON - every natural person, firm, corporation, partnership, association or institution.

PIECES - forms of graffiti represented by detailed, multi-colored murals, ranging in size.

PRIVATE PROPERTY - any land and the improvements thereon owned by any person and includes front, side and rear yards, vacant lots, buildings and other structural improvements, walkways and alleyways and parking areas designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or structure.

PUBLIC OFFICER - any police officer or any public official authorized to enforce laws of the City of Reading as set forth in the Codified Ordinances.

TAGS - a form of graffiti represented by stylized signatures of a writer's chosen name.

THROWUPS - a form of graffiti represented by large names or figures written in a bubble style, often with an outline written in a different color than the interior of the letters.

(*Ord. 5-1998, 3/23/1998, §1; as amended by Ord. 30-2003, 9/22/2003, §2*)

§6-303.A. Prohibitions.

1. It shall be unlawful for any person to commit any overt act resulting in or attempting to result in an application of graffiti.
2. It shall be unlawful for any person to intentionally, maliciously or wantonly expose or tend to expose another to risk of violence, contempt or hatred on the basis of race, color, creed or religion by the use of what is commonly known as graffiti.
3. It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of 18 years to knowingly assist, aid, abet, allow, permit or encourage said minor to violate the provisions of this Part, as herein defined, either by words, overt act or by failing to act.
4. All persons directly or indirectly involved in acts of graffiti vandalism may be found to be equally responsible and guilty of the act, in addition to the individual who may personally deface the object or area, such as others in the group who knowingly make available the tools, writing materials, ladders, lookouts, materials or assistance, or who knowingly supplies funds to acquire such materials for such purposes.

5. Every person who owns, conducts, operates or manages a retail, commercial establishment selling aerosol containers of spray paint or broad-tipped indelible markers shall place a sign in clear public view at or near the display of such products stating:

GRAFFITI IS A CRIME. ANY PERSON DEFACING REAL OR PERSONAL PROPERTY NOT HIS OR HER OWN WITH PAINT OR ANY OTHER LIQUID OR DEVICE IS GUILTY OF A CRIME PUNISHABLE BY A FINE OF UP TO \$1,000 OR A PRISON SENTENCE.

6. It shall be unlawful for any person under the age of 18 to have in their possession any graffiti implement while on any public highway, street, alleyway, sidewalk, park, playground, swimming pool or other public place or property or on private property unless the owner of that property consented to the presence of the paint or marker, whether such person is or not in any automobile, vehicle or other means or method of conveyance.

7. It shall be unlawful for any person to have, in his or her possession, a graffiti implement while in any public park, playground, swimming pool, recreational facility (other than highway, street, alleyway or sidewalk) except authorized employees of the City of Reading or an individual or authorized employee of an individual or company under contract with the City of Reading.

8. It is unlawful for any person to have in his or her possession any graffiti implement on private property closed to the public without permission from the owner or his lawful agent.

(*Ord. 5-1998, 3/23/1998, §1; as amended by Ord. 30-2003, 9/22/2003, §3*)

§6-303.B. Exemptions.

This prohibition shall not apply to a child using paint or a marker while under the immediate supervision of their parent or legal guardian, a student under direct supervision of their teacher or an employee using paint or a marker at the direction and under the supervision of their employer. (*Ord. 5-1998, 3/23/1998; as added by Ord. 30-2003, 9/22/2003, §3*)

§6-304. Removal of Graffiti.

1. Wherever a Public officer becomes aware of the existence of graffiti on any property, structures or improvements within the City that is visible to the public, the Director, upon such discovery, shall give or cause to be given, notice to remove or effectively obscure such graffiti within 5 days from receipt of any notice given by the City, and will then inform the Director that such notice has been given. This notice shall include a description of the City of Reading Graffiti Program. This description shall include methods approved for graffiti removal that do not require the use of chemicals. The notice shall be given to the owner, agent or manager of said property, structure or improvement who shall:

A. Cause the graffiti to be removed or effectively obscured.

- B. Provide written consent and waiver of liability to authorize the Director to remove or effectively obscure any graffiti at no cost to the property owner.
 - C. Have the graffiti removed by the City without the owner's consent, consistent with provisions of this Part.
2. The notice may be served by:
- A. Handing the notice to the owner of the property in person.
 - B. Posting the notice on or near the front door of the property that is defaced with graffiti.
 - C. If the property defaced with the graffiti does not consist of a building, the notice shall be on a placard attached to a stake driven into the ground on the property. [*Ord. 30-2003*]
3. Where property defaced by graffiti is owned by a public entity other than the City, the Director shall cause removal of the graffiti only after securing the consent of an authorized representative of the public entity that has jurisdiction over the structure.
4. Whenever the City becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the City shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area than that where the graffiti is located, unless the Director of Public Works determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.
5. Prior to entering upon private property or property owned by a public entity other than the City for the purpose of graffiti removal the City shall attempt to secure the consent of the property owner or responsible party and a release of the City from liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified by this Chapter and the notice, or if the City has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the City and consistent with the terms of this Section, the City shall commence to remove or repair the graffiti without the consent of the owner. [*Ord. 30-2003*]
- (*Ord. 5-1998, 3/23/1998, §1; as amended by Ord. 30-2003, 9/22/2003, §3*)

§6-305. Graffiti Abatement Hearing.

At a hearing requested by the property owner, the owner shall be entitled to present evidence and argue that his or her property does not contain graffiti. The determination of the Director after the hearing shall be final and not appealable. After the hearing, if

the Director determines that the property contains graffiti, the Director may order that the graffiti be abated.

(Ord. 5-1998, 3/23/1998, §1; as amended by Ord. 30-2003, 9/22/2003, §4)

§6-306. Anti-graffiti Trust Fund.

There is hereby created the City of Reading Anti-graffiti Trust Fund. Civil and criminal penalties assessed against violators of this Part and public and private sector contributions and grants to the City for graffiti abatement efforts shall be placed in the fund. The Director shall direct the expenditures of monies in the fund which shall be limited to the payment of the cost of removal of graffiti, the costs of administering this Part, public awareness programs and any such other public purpose as may be approved by City Council and the Mayor.

(Ord. 5-1998, 3/23/1998, §1; as amended by Ord. 30-2003, 9/22/2003, §4)

§6-307. Reward.

The Mayor or his designee, may grant awards up to the sum of \$200 for information leading to the arrest and/or conviction of any individual for violating provisions of this Part. Reward funds are to be paid from the Anti-graffiti Trust Fund. (Ord. 5-1998, 3/23/1998, §1; as amended by Ord. 30-2003, 9/22/2003, §4)

§6-308. Enforcement Procedure.

1. If the party cited for a violation of this Part is a minor/juvenile, a citation may be issued to the minor/juvenile and the parent(s) and or guardian(s). If cited, the minor/juvenile and parent(s) or guardian(s) shall appear in district justice court. The parent(s) or guardian(s) shall be forwarded a copy of the citation of the juvenile, and said citation will be mailed via certified mail, return receipt requested, and will include a warning that the parent(s) is (are) responsible and liable as the juvenile's parent(s). Any and all records of such citations shall be maintained in the City's database. Each violation shall constitute a separate offense.

2. If the parent(s) or guardian(s) has (have) been warned pursuant to subsection (1) hereof, then the officer may issue a citation to the parent(s) or guardian(s) for every subsequent violation of this Part. Each violation shall constitute a separate offense.

3. Once a citation is issued, pursuant to subsection (2) hereof, each and every subsequent violation of this Part is cause for an officer to issue a citation to the parent(s) or guardian(s) of the juvenile.

4. If any operator of an establishment or any agents or employees of any operator fail to comply with the provisions of this Part, a police officer shall issue a citation for said violation. Each violation shall constitute a separate offense.

§6-~~308~~ 309. Penalties.

1. Any person, firm or corporation who shall violate §6-303, "Prohibitions" shall be, upon conviction thereof, sentenced to pay a fine of \$300 for the first offense and a fine of \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days for a second or subsequent offense.
2. In addition to any penalty in accordance with this Part, the defendant shall make restitution to the victim for damages or loss caused directly or indirectly by the defendant's offense in reasonable amount or manner to be determined by the court.
3. In addition to such penalty, the court may, in imposing sentence, order the defendant to perform community service no less than 50 hours and not to exceed 100 hours. (*Ord. 5-1998, 3/23/1998, §1; as amended by Ord. 14-2001, 5/29/2001; and by Ord. 30-2003, 9/22/2003, §4*)

BILL NO. _____

AN ORDINANCE

AN ORDINANCE ESTABLISHING THE CAPITAL IMPROVEMENT PLAN BUDGET FOR THE CITY OF READING INCLUDING REVENUES AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2009.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The budgeted revenues and expenses for the Capital Improvement Plan of the City of Reading for the fiscal year beginning January 1, 2009, and ending December 31, 2009, shall be as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. This ordinance shall be effective January 1, 2009.

Enacted _____, 2008

President of Council

Attest:

City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

**CITY OF READING
CAPITAL IMPROVEMENTS PROGRAM
FY 2006 - FY 2012**

| PROJECT | | YEAR | PROJ. COST | DEBT FINANCING | EXPENDITURES TO DATE | BALANCE | AMENDMENT | B |
|--|--|------|-----------------------|-----------------------|-----------------------|--------------------|--------------------|-----------------------|
| 2006 | | | | | | | | |
| FIRE REPLACE RESCUE 1 | | 2006 | \$450,000.00 | \$450,000.00 | \$462,441.00 | (\$12,441.00) | \$12,441.00 | \$ |
| IT DISASTER RECOVERY | | 2006 | \$1,250,000.00 | \$1,250,000.00 | \$1,252,025.00 | (\$2,025.00) | \$2,025.00 | \$1,250,000.00 |
| IT Uninterrupted Power Source | | 2006 | \$67,000.00 | \$67,000.00 | \$16,900.00 | \$50,100.00 | \$0.00 | \$ |
| IT PURCHASE GIS SYSTEM FOR CITYWIDE* | | 2006 | \$3,000,000.00 | \$750,000.00 | \$91,779.00 | \$658,221.00 | (\$568,221.00) | \$ |
| FIRE BUILD OAKBROOK FIRE STATION | | 2006 | \$1,500,000.00 | \$1,500,000.00 | \$428,058.00 | \$1,071,942.00 | \$2,000,000.00 | \$3,571,942.00 |
| POLICE RANGE CLASSROOM ADDITION | | 2006 | \$52,000.00 | \$52,000.00 | \$0.00 | \$52,000.00 | \$200,000.00 | \$ |
| PW PUBLIC PROPERTY CITY HALL ROOF | | 2006 | \$100,000.00 | \$100,000.00 | \$7,000.00 | \$93,000.00 | \$0.00 | \$ |
| Penn Street Bridge Lighting Repairs | | 2006 | \$87,000.00 | \$87,000.00 | \$0.00 | \$87,000.00 | \$0.00 | \$ |
| PW HIGHWAYS SALT BRINE EQUIPMENT | | 2006 | \$50,000.00 | \$50,000.00 | \$33,393.00 | \$16,607.00 | (\$16,607.00) | \$ |
| LIBRARY NORTHWEST BRANCH REPAIRS | | 2007 | \$60,000.00 | \$60,000.00 | \$17,000.00 | \$43,000.00 | \$0.00 | \$ |
| POLICE EVIDENCE ROOM EXPANSION | | 2006 | \$200,000.00 | \$200,000.00 | \$10,472.00 | \$189,528.00 | \$50,000.00 | \$ |
| PW PUBLIC PROPERTY STADIUM HIGH MAST REPLACEMENT | | 2006 | \$152,000.00 | \$152,000.00 | \$115,290.00 | \$36,710.00 | (\$36,710.00) | \$ |
| PW RECREATION BAER PARK PLAYGROUND RENOVATION | | 2006 | \$100,000.00 | \$50,000.00 | \$3,975.00 | \$46,025.00 | \$0.00 | \$ |
| IT AC Unit | | 2006 | \$100,000.00 | \$100,000.00 | \$100,000.00 | \$0.00 | \$0.00 | \$ |
| TOTAL | | | \$7,168,000.00 | \$4,868,000.00 | \$2,538,333.00 | \$2,329,667 | \$1,642,928 | \$6,498,333.00 |
| 2007 | | | | | | | | |
| FIRE REPLACE ENGINE 14 | | 2007 | \$475,000.00 | \$475,000.00 | \$473,538.00 | \$1,462.00 | (\$1,462.00) | \$ |
| POLICE Downtown Camera Network | | 2007 | \$1,785,000.00 | \$390,000.00 | \$91,560.00 | \$298,440.00 | \$0.00 | \$ |
| LIBRARY MAIN BRANCH RENOVATION | | 2007 | \$140,000.00 | \$140,000.00 | \$0.00 | \$40,000.00 | (\$100,000.00) | \$ |

| | | | | | | |
|---|------|----------------|----------------|--------------|----------------|----------------|
| PW RECREATION CITY PARK RENOVATION | 2007 | \$1,050,000.00 | \$1,500,000.00 | \$49,504.00 | \$1,450,496.00 | \$1,450,496.00 |
| PW HIGHWAYS TRASH COMPACTOR TRUCK | 2007 | \$120,000.00 | \$120,000.00 | \$103,394.00 | \$16,606.00 | \$16,606.00 |
| PW PUBLIC PROPERTY BANDSHELL REHABILITATION | 2007 | \$80,000.00 | \$80,000.00 | \$45,337.00 | \$34,663.00 | \$34,663.00 |
| PW PUBLIC PROPERTY Pagoda Renovations | 2007 | \$1,443,900.00 | \$1,443,900.00 | \$100,468.00 | \$343,432.00 | \$343,432.00 |
| PW HIGHWAYS DUMP TRUCK | 2007 | \$110,000.00 | \$110,000.00 | \$64,615.00 | \$45,385.00 | \$45,385.00 |
| PW RECREATION BAER PARK PLAYGROUND RENOVATION | 2007 | \$100,000.00 | \$50,000.00 | \$3,975.00 | \$46,025.00 | \$46,025.00 |
| PW RECREATION Hillside Playground Renovation | 2007 | \$70,000.00 | \$60,000.00 | \$2,230.00 | \$57,770.00 | \$57,770.00 |
| PW SKYLINE DRIVE WALL REPAIR | 2007 | \$171,500.00 | \$171,500.00 | \$0.00 | \$171,500.00 | \$171,500.00 |
| PW TRAFFIC ENGINEERING BUCKET TRUCK | 2007 | \$70,000.00 | \$70,000.00 | \$21,740.00 | \$48,260.00 | \$48,260.00 |
| PW RECREATION SCHLEGEL PARK POOL REPLASTER/TILE | 2007 | \$150,000.00 | \$150,000.00 | \$202,100.00 | (\$52,100.00) | \$52,100.00 |
| PW TRAFFIC ENGINEERING HANDICAP RAMPS | 2007 | \$50,000.00 | (\$50,000.00) | \$0.00 | \$0.00 | (\$50,000.00) |
| PW PUBLIC PROPERTY 6 & PENN COURTYARD UPGRADE | 2007 | \$120,000.00 | \$120,000.00 | \$0.00 | \$12,000.00 | \$12,000.00 |
| PW PUBLIC PROPERTY ATHLETIC FIELD LIGHTING | 2007 | \$50,000.00 | (\$50,000.00) | \$0.00 | \$0.00 | (\$50,000.00) |
| PW PARKS City Park Pond Remediation & Water Feature | 2007 | \$230,000.00 | (\$230,000.00) | \$0.00 | \$0.00 | (\$230,000.00) |
| PW FLEET GARAGE OVERHEAD LUBRICATION SYSTEM | 2007 | \$114,666.00 | \$114,666.00 | \$0.00 | \$114,666.00 | \$114,666.00 |
| TOTAL | | \$6,330,066.00 | \$4,665,066.00 | \$1,158,461 | \$2,628,605 | (\$566,613) |

\$4,770,000.00

| | | | | | | |
|--|------|----------------|----------------|--------|----------------|------------------|
| 2008 | | | | | | |
| FIRE BUILD PENN STREET FIRE STATION | 2008 | \$2,500,000.00 | \$2,500,000.00 | \$0.00 | \$2,500,000.00 | (\$2,500,000.00) |
| PW PUBLIC PROPERTY STADIUM FIELD LIGHTING UPGRADES | 2007 | \$60,000.00 | \$60,000.00 | \$0.00 | \$60,000.00 | \$0.00 |
| PW PUBLIC PROPERTY STADIUM HIGH MAST PAINTING | 2007 | \$50,000.00 | \$50,000.00 | \$0.00 | \$50,000.00 | \$0.00 |
| PW PUBLIC PROPERTY CITY HALL BRASS RESTORATION | 2007 | \$75,000.00 | \$75,000.00 | \$0.00 | \$75,000.00 | (\$75,000.00) |
| CD OUTDOOR FURNISHINGS | 2007 | \$60,000.00 | \$60,000.00 | \$0.00 | \$60,000.00 | (\$60,000.00) |
| PW RECREATION 3rd & SPRING PLAYGROUND RENOVATION | 2008 | \$160,000.00 | (\$80,000.00) | \$0.00 | \$0.00 | (\$80,000.00) |
| PW RECREATION BAER PARK FIELD HOUSE RENOVATION | 2008 | \$100,000.00 | (\$50,000.00) | \$0.00 | \$0.00 | (\$50,000.00) |
| IT Hardware | 2008 | \$126,000.00 | \$126,000.00 | \$0.00 | \$126,000.00 | \$0.00 |
| PW RECREATION Angelica Nature Center | 2008 | \$1,000,000.00 | \$1,000,000.00 | \$0.00 | \$1,000,000.00 | \$0.00 |

\$1,000,000.00

| | | | | | | | | | |
|--|--|------|------------------------|--|-----------------------|---------------|-----------------------|-------------------------|-----------------------|
| IT Software | | 2008 | \$365,000.00 | | \$365,000.00 | \$0.00 | \$365,000.00 | \$0.00 | \$ |
| HR SECURITY City Hall | | 2008 | \$30,600.00 | | \$30,600.00 | \$0.00 | \$30,600.00 | (\$30,600.00) | \$ |
| PLANNING Green Roof for City Hall | | 2008 | \$336,000.00 | | \$336,000.00 | \$0.00 | \$336,000.00 | (\$336,000.00) | \$ |
| PW PARKS Duryea Drive Guard Rails | | 2009 | \$230,000.00 | | \$230,000.00 | \$0.00 | \$230,000.00 | \$0.00 | \$ |
| COUNCIL MULTIMEDIA UPGRADE Council Chambers | | 2008 | \$250,000.00 | | \$250,000.00 | \$0.00 | \$250,000.00 | (\$250,000.00) | \$ |
| TOTAL | | | \$5,342,600.00 | | \$4,952,600.00 | \$0.00 | \$5,082,600.00 | (\$3,381,600.00) | \$1,800,000.00 |
| 2009 | | | | | | | | | |
| PW/PLANNING Street Improvements | | 2009 | \$1,300,000.00 | | \$1,300,000.00 | \$0.00 | \$1,300,000.00 | \$0.00 | \$1,300,000.00 |
| PW HIGHWAYS FRONT END LOADER | | 2008 | \$175,000.00 | | \$175,000.00 | \$0.00 | \$175,000.00 | \$0.00 | \$ |
| PW HIGHWAYS STREET SWEEPERS | | 2007 | \$300,000.00 | | \$300,000.00 | \$0.00 | \$300,000.00 | \$0.00 | \$ |
| PW FLEET BIG TRUCK LIFT | | 2008 | \$50,000.00 | | \$50,000.00 | \$0.00 | \$50,000.00 | (\$50,000.00) | \$ |
| PW TRAFFIC ENGINEERING HANDICAP RAMPS | | 2007 | \$50,000.00 | | (\$50,000.00) | \$0.00 | \$0.00 | (\$50,000.00) | \$ |
| FIRE BUILD NEW HAMPDEN/MARION FIRE STATION | | 2009 | \$2,500,000.00 | | \$2,500,000.00 | \$0.00 | \$2,500,000.00 | (\$2,500,000.00) | \$ |
| PW RECREATION NORTHMONT PLAYGROUND RENOVATION | | 2009 | \$160,000.00 | | (\$80,000.00) | \$0.00 | \$0.00 | (\$80,000.00) | \$ |
| MAYORS OFFICE First Energy Stadium Repair | | 2009 | \$26,000,000.00 | | \$1,300,000.00 | \$0.00 | \$1,300,000.00 | \$0.00 | \$1,300,000.00 |
| PW STREETS Bridge Repair | | 2009 | \$450,000.00 | | \$450,000.00 | \$0.00 | \$450,000.00 | \$0.00 | \$ |
| PW PARKS City Hall Improvements | | 2009 | \$150,000.00 | | \$150,000.00 | \$0.00 | \$150,000.00 | \$0.00 | \$ |
| TOTAL | | | \$29,835,000.00 | | \$4,795,000.00 | \$0 | \$4,925,000 | (\$2,680,000) | \$2,300,000.00 |
| 2010 | | | | | | | | | |
| CED African American Museum Site Preparation | | 2007 | \$6,170,000.00 | | \$500,000.00 | \$0.00 | \$500,000.00 | \$0.00 | \$ |
| LIBRARY SOUTHEAST BRANCH REPAIRS | | 2008 | \$70,000.00 | | \$70,000.00 | \$0.00 | \$70,000.00 | \$0.00 | \$ |
| CED ALLEY AND ROW IMPROVEMENTS | | 2008 | \$250,000.00 | | \$200,000.00 | \$0.00 | \$200,000.00 | (\$200,000.00) | \$ |
| PW PUBLIC PROPERTY ATHLETIC FACILITIES LIGHTING | | 2008 | \$50,000.00 | | \$50,000.00 | \$0.00 | \$50,000.00 | (\$50,000.00) | \$ |
| PW TRAFFIC ENGINEERING HANDICAP RAMPS | | 2008 | \$50,000.00 | | (\$50,000.00) | \$0.00 | \$0.00 | (\$50,000.00) | \$ |
| PW PARKS FRONT END LOADER | | 2009 | \$120,000.00 | | \$120,000.00 | \$0.00 | \$120,000.00 | (\$120,000.00) | \$ |
| PW HIGHWAYS STREET SWEEPERS | | 2009 | \$300,000.00 | | \$300,000.00 | \$0.00 | \$300,000.00 | (\$300,000.00) | \$ |
| LIBRARY MAIN BRANCH EXPANSION | | 2010 | \$8,000,000.00 | | \$2,000,000.00 | \$0.00 | \$2,000,000.00 | (\$2,000,000.00) | \$ |
| PW RECREATION KEEFER PARK FIELD HOUSE RENOVATION | | 2008 | \$100,000.00 | | (\$50,000.00) | \$0.00 | \$0.00 | (\$50,000.00) | \$ |
| IT Hansen Dynamic Portal | | 2008 | \$286,000.00 | | \$286,000.00 | \$0.00 | \$286,000.00 | \$0.00 | \$ |

| | | | | | | | | |
|--|--|------|------------------------|------------------------|--------------------|---------------------|-----------------------|-------------|
| TOTAL | | | \$15,396,000.00 | \$3,426,000.00 | \$0 | \$3,526,000 | (\$2,770,000) | \$0 |
| 2011 | | | | | | | | |
| PW HIGHWAYS STREET SWEEPERS | | 2010 | \$300,000.00 | \$300,000.00 | \$0.00 | \$300,000.00 | (\$300,000.00) | \$0 |
| PW PARKS GROUNDMASTER TRACTOR | | 2010 | \$50,000.00 | \$50,000.00 | \$0.00 | \$50,000.00 | \$0.00 | \$0 |
| LIBRARY New NW Branch | | 2011 | \$1,800,000.00 | \$1,800,000.00 | \$0.00 | \$1,800,000.00 | (\$1,800,000.00) | \$0 |
| PW PUBLIC PROPERTY ATHLETIC FACILITIES LIGHTING | | 2010 | \$50,000.00 | \$50,000.00 | \$0.00 | \$50,000.00 | (\$50,000.00) | \$0 |
| LIBRARY NORTHEAST BRANCH REPAIRS | | 2009 | \$70,000.00 | \$70,000.00 | \$0.00 | \$70,000.00 | \$0.00 | \$0 |
| PW TRAFFIC ENGINEERING HANDICAP RAMPS | | 2008 | \$50,000.00 | (\$50,000.00) | \$0.00 | \$0.00 | (\$50,000.00) | \$0 |
| PW TRAFFIC ENGINEERING HANDICAP RAMPS | | 2008 | \$50,000.00 | (\$50,000.00) | \$0.00 | \$0.00 | (\$50,000.00) | \$0 |
| CD/PLANNING Whitewater Park | | 2007 | \$522,810.00 | \$525,000.00 | \$0.00 | \$525,000.00 | (\$525,000.00) | \$0 |
| PW RECREATION PENDORA PARK FIELD HOUSE RENOVATION | | 2008 | \$200,000.00 | (\$100,000.00) | \$0.00 | \$0.00 | (\$100,000.00) | \$0 |
| LIBRARY BOOK MOBILE REPLACEMENT | | 2010 | \$120,000.00 | \$120,000.00 | \$0.00 | \$120,000.00 | (\$120,000.00) | \$0 |
| CED ALLEY AND ROW IMPROVEMENTS | | 2009 | \$250,000.00 | \$250,000.00 | \$0.00 | \$250,000.00 | (\$250,000.00) | \$0 |
| CED ALLEY AND ROW IMPROVEMENTS | | 2010 | \$250,000.00 | \$250,000.00 | \$0.00 | \$250,000.00 | (\$250,000.00) | \$0 |
| PW PUBLIC PROPERTY STADIUM FIELD LIGHTING UPGRADES | | 2010 | \$60,000.00 | \$60,000.00 | \$0.00 | \$60,000.00 | \$0.00 | \$0 |
| TOTAL | | | \$3,772,810.00 | \$3,275,000.00 | \$0 | \$3,475,000 | (\$3,495,000) | \$0 |
| Total CIP | | | \$67,844,476.00 | \$25,981,666.00 | \$3,696,794 | \$21,966,872 | (\$11,250,285) | #### |

The estimated schedule for the drawing down of funds for the remaining four years of the CIP is as follows:

Approximately \$13.2 million remains in eligible CIP projects.

The City of Reading would expend approximately \$3.3 million per year from the beginning of 2009 to the completion of the last CIP projects which are scheduled for 2011.

This annual expenditure translates into a monthly expenditure of approximately \$275,000 or approximately \$1.65 million every six months. While the CIP project list concludes in 2011 it is expected final completion of all projects would not occur until 2012.

Notes:

1. The stadium high mast replacement project is proposed to remain unscheduled until final determination of whether to renovate or re-locate Municipal Stadium is made.

2. Although street paving is budgeted every year, the magnitude of the effort is beyond the City's financial capacity, thus proposing State and Federal funding. The project could be debt financed, but the life of a road is less than 10 years making it a poor candidate for such funding.

BILL NO. _____-2008

A N O R D I N A N C E

**AN ORDINANCE ESTABLISHING THE FULL-TIME EMPLOYEE POSITIONS
FOR THE CITY OF READING FOR THE FISCAL YEAR 2009.**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS
FOLLOWS:**

SECTION 1. Full-Time positions for the City of Reading's fiscal year beginning January 1, 2009, and ending December 31, 2009, shall be as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. This Ordinance shall become effective January 1, 2009.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(LAW DEPT.)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER EXHIBIT "A," TO AMEND THE DEFINITIONS OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME, TO ADD DEFINITION OF PERSONAL CARE HOME, TO PROVIDE THE USE OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME AS A SPECIAL EXCEPTION AND REQUIREMENTS THEREFOR IN THE CITY OF READING R-2 (RESIDENTIAL), R-3 (RESIDENTIAL) AND C-R (COMMERCIAL RESIDENTIAL) ZONING DISTRICTS AND TO CORRECT AND ADD TO THE REQUIREMENTS OF RESIDENTIAL CARE FACILITY AS A CONDITIONAL USE

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A," to amend the definition of Life Care Retirement Facility and Nursing Home, to add definition of Personal Care Home, to provide for the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefor in the City of Reading R-2 (Residential), R-3 (Residential) and C-R (Commercial Residential) zoning districts and to correct and add to the requirements of Residential Care Facility as a Conditional Use

SECTION 2. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 3. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(LAW)

EXHIBIT A

The City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances is hereby amended and added to as follows:

PART 22

DEFINITIONS/SPECIFIC WORDS AND PHRASES DEFINED

§27-2202. **General Definitions** is hereby amended to amend or add the following words, terms and definitions:

PERSONAL CARE HOME – see LIFE CARE RETIREMENT FACILITY AND NURSING HOME

LIFE CARE RETIREMENT FACILITY – a planned residential community, building or part thereof for persons of retirement age, which shall include residential dwelling units, with communal dining, recreation areas, open space, parking and related facilities. Includes “retirement homes,” “assisted or independent living facilities,” “personal care home” and similar uses. Excludes “residential care facilities.”

NURSING HOME – a building or part thereof used for the lodging, boarding and nursing care, on a 24-hour basis, of four or more persons. The term “Nursing Home” shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, infirmaries contained within homes for the aged and personal care home. Excludes “residential care facilities.”

PART 8

DISTRICTS

§27-803 R-2 is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

| Minimum Lot Size | Maximum Building Coverage | Maximum Lot Coverage | Maximum Height | Minimum Lot Width | Front Yard Setback | Rear Yard Setback | Side Yard Setback | Combined Side Yard Setback | Required Site Plan Review |
|------------------|---------------------------|----------------------|----------------|-------------------|--------------------|-------------------|-------------------|----------------------------|---------------------------|
| 2500 | 75% | 85% | 35 | 40 | 15 | 20 | 8 | 16 | Yes |

Remove Group Care Facility as a Special Exception. Add as a Conditional Use per following:

CONDITIONAL USES

All uses listed below shall be pursuant to §27-1203

| Minimum Lot Size | Maximum Building Coverage | Maximum Lot Coverage | Maximum Height | Minimum Lot Width | Front Yard Setback | Rear Yard Setback | Side Yard Setback | Combined Side Yard Setback | Required Site Plan Review |
|------------------|---------------------------|----------------------|----------------|-------------------|--------------------|-------------------|-------------------|----------------------------|---------------------------|
| 2500 | 75% | 85% | 25 | 35 | 15 | 20 | 10 | 20 | Yes |

PART 8

DISTRICTS

§27-804 R-3 is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

| Minimum Lot Size | Maximum Building Coverage | Maximum Lot Coverage | Maximum Height | Minimum Lot Width | Front Yard Setback | Rear Yard Setback | Side Yard Setback | Combined Side Yard Setback | Required Site Plan Review |
|------------------|---------------------------|----------------------|----------------|-------------------|--------------------|-------------------|-------------------|----------------------------|---------------------------|
| 2500 | 75% | 85% | 35 | 40 | 15 | 20 | 8 | 16 | Yes |

Remove Residential Care Facilities as a Special Exception. Add as a Conditional Use per following:

CONDITIONAL USES

All uses listed below shall be pursuant to §27-1203

| Minimum Lot Size | Maximum Building Coverage | Maximum Lot Coverage | Maximum Height | Minimum Lot Width | Front Yard Setback | Rear Yard Setback | Side Yard Setback | Combined Side Yard Setback | Required Site Plan Review |
|------------------|---------------------------|----------------------|----------------|-------------------|--------------------|-------------------|-------------------|----------------------------|---------------------------|
| 5500 | 30% | 55% | 35 | 65 | 20 | 30 | 10 | 20 | Yes |

PART 8

DISTRICTS

§27-808 C-R is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

| Minimum Lot Size | Maximum Building Coverage | Maximum Lot Coverage | Maximum Height | Minimum Lot Width | Front Yard Setback | Rear Yard Setback | Side Yard Setback | Combined Side Yard Setback | Required Site Plan Review |
|------------------|---------------------------|----------------------|----------------|-------------------|--------------------|-------------------|-------------------|----------------------------|---------------------------|
| 2500 | 75% | 85% | 35 | 40 | 15 | 20 | 8 | 16 | Yes |

Remove Group Care Facility as a Special Exception. Add as a Conditional Use per following:

CONDITIONAL USES

All uses listed below shall be pursuant to §27-1203

| Minimum Lot Size | Maximum Building Coverage | Maximum Lot Coverage | Maximum Height | Minimum Lot Width | Front Yard Setback | Rear Yard Setback | Side Yard Setback | Combined Side Yard Setback | Required Site Plan Review |
|------------------|---------------------------|----------------------|----------------|-------------------|--------------------|-------------------|-------------------|----------------------------|---------------------------|
| 2500 | 75% | 85% | 25 | 35 | 15 | 20 | 10 | 20 | Yes |

PART 12

PROVISIONS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

§27-1202. Conditions for Special Exception Uses is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses in the R-2, R-3 and C-R City of Reading Zoning Districts:

27-1202(19) Life Care Retirement Facility and Nursing Home as defined herein shall be permitted as special exceptions in the City of Reading Zoning Districts R-2, R-3 and C-R, provided that the following standards are met, all requirements therefor under this Ordinance, along with any other stipulations set forth by the Zoning Hearing Board:

A. A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

B. The Life Care Retirement Facility and Nursing Home must meet the standards of the City of Reading building, plumbing, mechanical, electrical and fire codes as required for the type of use. The owner must verify to the City of Reading on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

C. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.

E. No basement or cellar shall be used as a habitable bedroom except by special approval and variance.

F. No Life Care Retirement Facility and Nursing Home shall be located within 500 linear feet of any other lot on which is established a Life Care Retirement Facility and Nursing Home or Residential Care Facility, except by variance, measured by the shortest distance between the two lots where the proposed life care retirement facility and nursing home is located (including but not limited to each existing life care retirement facility and nursing home or residential care facility use located in any district which is of a different designation than the district in which the new life care retirement facility and nursing home use is proposed).

G. One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

H. Acquire the necessary certificate, sanction and/or license by the Commonwealth of Pennsylvania.

§27-1203. Conditions for Conditional Uses is hereby amended as follows:

7. Residential Care Facility. Residential care facilities, which shall include group care facilities and group care institutions, may be permitted in the R-3 zoning district as a ~~special exception~~ **conditional use**, provided that the following standards are met along with any other requirements deemed necessary by ~~the Zoning Hearing Board~~ **City Council**. Group care facilities shall be permitted in the R-2 and C-R zoning districts by ~~special exception~~ **conditional use**.

A. The following standards shall be for all residential care facilities:

(1) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(2) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day care home, or day care center.

(3) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.

(4) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.

(5) The sponsoring social service agency shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.

(6) Acquire the necessary certificate, sanction and/or license by the Commonwealth of Pennsylvania.

B. The following standards are for all group care facilities:

(1) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.

(2) No group care facility shall have more than 10 residents at any given time, not including live in supervisors.

(3) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.

(4) No more than two live-in supervisors shall reside in the group care facility.

(5) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.

~~(6) C.~~ The following standards are for all group care institutions.

~~(7) 1.~~ The group institution, by design and intent, shall provide for the long term needs of its residents and shall not accommodate the needs of transient individuals.

~~(8) 2.~~ A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.

~~(9) 3.~~ At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

~~(10) 4.~~ The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

PART 16

OFF-STREET PARKING AND LOADING

§27-1603. Off-Street Parking Standards is hereby amended to add the following:

EE: Life Care Retirement Facility and Nursing Home – One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

FF. Residential Care Facility - One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every four patient / client beds.

B I L L N O. _____ 2008 A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES
CHAPTER 27 ZONING BY PROHIBITING ALL RENTAL USES IN AREAS ZONED
FOR LOW DENSITY RESIDENTIAL PURPOSES - R-1, R-1A and R-2.**

WHEREAS, as the City's Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

WHEREAS, over 50% of all residential properties in the City of Reading are rental properties the City's residential neighborhoods are plagued with quality of life problems such as inadequate parking, noise, overcrowding, heavy traffic, etc., and

WHEREAS, as the Fair Share Doctrine allows municipalities to exclude certain uses from specific areas if that use is provided in a reasonable geographic area, residential rental, single family and multi-unit, uses are hereby prohibited from areas zoned R-1, R-1A and R-2 to protect the quality of life in these low density residential zones

NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning by prohibiting all rental uses in R-1, R-1A and R-2 low density residential zoning districts.

SECTION 2. Requiring all existing rental properties in R-1, R-1A and R-2 zoning districts to register their property's pre-existing, non-conforming status within 30 days of the enactment of this ordinance. Registering the property by this date will allow the property to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the property must be converted to a use permitted in the zone within 6 months.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

BILL NO. _____-2008
AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES SECTION 10-1705 CHANGING THE LOCATION AND NUMBER OF MOBILE FOOD VENDORS

SECTION 1. Amending the City of Reading Codified Ordinances Section 10-1705 1 as follows:

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of ~~8th Street~~ **Front Street** and the eastern border of 11th Street.

SECTION 2. Amending the City of Reading Codified Ordinances Section 10-1705 2 (A) as follows:

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. ~~Ten~~ **Fifteen** sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines *will be issued annually*. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

SECTION 3. All other parts of the Ordinance remain unchanged.

SECTION 4. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Council Office)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PART 17 SIDEWALK VENDORS

§10-1701. Purpose

The purpose of this Part is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect public facilities.

Whereby, reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of sidewalk vendors is necessary to promote the orderly and efficient use of sidewalks, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

(Ord. 63-2007, 8/13/2007, §1)

§10-1702. Title

This Part shall be known as the "Sidewalk Vendor Ordinance."

(Ord. 63-2007, 8/13/2007, §1)

§10-1703. Interpretation

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

(Ord. 63-2007, 8/13/2007, §1)

§10-1704. Definitions

For the purpose of this Part, certain terms shall be defined as follows:

COMMERCIAL CORE ZONING DISTRICT - the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity. Please see the City of Reading Zoning Map.

KIOSK - a freestanding structure upon which temporary information and/or posters, notices and announcements are posted; an open gazebo, pavilion or similar structure used as a newsstand, refreshment booth or the like.

OFFICIAL MAP - the topographical survey of the City of Reading, Pennsylvania on file in the Engineering Office.

PASSABLE - free of any impediment or obstruction, whatsoever, that would hinder the travel of the public.

PUBLIC RIGHT-OF-WAY - any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

PUBLIC OUTDOOR PAY TELEPHONE - any outdoor publicly accessible pay telephone any portion of which, or its enclosure, it situated on, projects over, or hangs over a portion of the public right-of way; or is situated such that it can be used by a person standing on the public right-of way.

PUBLIC PROPERTY - all real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intends for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.

SANDWICH BOARD - any portable sign which is intended, by design, use or construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.

SIDEWALK - that portion of a public right-of-way for which paving is required under this Part of the Codified Ordinances of the City of Reading and which is used primarily for pedestrian travel.

SIDEWALK AREA - that portion of the public right-of-way occurring between the curbline and the topographical building line.

SIDEWALK VENDOR - person or persons who exhibits, displays, or sells any food, beverage, goods, printed materials or merchandise from and stand, cart vending machine or trailer while on or about the sidewalk area.

SIDEWALK VENDOR LICENSE - the written authorization, issued by the City of Reading, to construct, install, erect, or place any obstruction within the public right-of-way. The license must be displayed prominently on each stand, cart, trailer and/or obstruction.

STAND - any structure, device or object erected, installed, or placed within any portion of the public right-of-way or chained, bolted or otherwise attached to a building or structure in such a manner that any portion of said structure, device or object projects over or into the public right-of-way used to exhibit, display or sell food or goods. Stands shall include, but are not limited to, kiosks, newsracks, newsstands, outdoor pay telephones, sandwich boards, stands, street furniture and vending machines. The terms "tables," "carts," "stands" and "trailers" shall be used interchangeably throughout this Part and should be construed to the same meaning.

TRAILER - vehicle designed to be towed by a motor vehicle.

VENDING CART - small, light vehicle moved by hand for the purpose of conducting food sales.

VENDING LICENSE BOARD - Board authorized to approve permits and the location of sidewalk vendors, pursuant to §10-1710.

VENDING MACHINE - any self-service device that provides for the sale or distribution of food, beverage or goods, newspapers, other printed materials either in bulk or in package, without the necessity of replenishing the device between each vending operation.
(Ord. 63-2007, 8/13/2007, §1)

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning

District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of ~~8th Street~~ **Front Street** and the eastern border of 11th Street.

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. ~~Ten~~ **Fifteen** sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines **will be issued annually**. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

B. More than Two Licenses Prohibited. A person who holds or has an interest in two sidewalk vendor licenses as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor license.

C. License Nontransferable. A sidewalk vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.

(Ord. 63-2007, 8/13/2007, §1)

§10-1706. Permitting for Sidewalk Vendors Outside the Permitted Area

Applications for sidewalk cafes outside the Commercial Core Zoning District shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. Such applications shall be forwarded to City Council for approval.

(Ord. 63-2007, 8/13/2007, §1)

§10-1707. License Application

1. Notice of License Availability. Applications for sidewalk vending licenses will be available between November 1 and November 15 in the City of Reading Codes Office.

Notice of such availability will be made through a newspaper of general circulation not more than 30 days nor less than 14 days prior to November 1.

2. Application. Any person interested in applying for a sidewalk vendor's license may, after public notice listed above, make application by filing such forms containing the required information with the City of Reading Codes Office with a nonrefundable application fee of \$50 no later than 4 p.m. on November 15. The application shall at a minimum set forth:

A. True name and address of the applicant. P.O. boxes will not be permitted.

- B. Names and addresses of any employees, other than the owner, who operate the stand.
- C. Photographs and specifications of the proposed sidewalk vendor cart(s), stand(s) or trailer(s) to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in §10-1708 herein.
- D. Sufficient detail about the proposed sidewalk vendor and the products proposed for sale must be submitted with the application for evaluation and compliance with applicable City and State Health Codes, along with copies of the required City and State health permits.
- E. A copy of the applicant's business privilege license.
- F. A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices. Utility connections to neighboring properties shall be prohibited.
- G. A complete listing of the items to be offered for sale or distribution. Applications will be initially reviewed by the Codes Office for completeness. Incomplete applications may be amended one time and resubmitted on or before November 15 as stated above.

3. Review of Applications. Not more than 45 days following application deadline, the Vending License Board shall complete the review of all applications filed and notify the applicants of the results thereof in writing. An application shall be denied and the applicant shall be ineligible for a sidewalk vendor license if:

- A. The application is incomplete in any material respect.
- B. The proposed vending cart does not comply with the cart design criteria, standards or specifications and/or applicable health requirements.
- C. The applicant does not have a business privilege license.
- D. The applicant, or any natural person having an interest in the entity making the application, has:
 - (1) An interest in more than two sidewalk vendor licenses.
 - (2) Within the past 5 years held or had an interest in a sidewalk vendor license that has been revoked.
 - (3) Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.
- E. If an application is denied, the applicant shall be notified in writing of the reason(s) therefore.

4. Each license shall be issued for one calendar year, February 1 to January 31, and shall be subject to review during the calendar year for adherence to the requirements of this Part. (Ord. 63-2007, 8/13/2007, §1)

§10-1708. Design Standards.

1. Design and Appearance.

A. General Requirements. All sidewalk vendor carts, trailers or stands shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. There will be no fixed design as such; however, literature on designs, manufacturers, costs and similar details will be available in the City Codes Office. In addition, vending must comply with State and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

B. Required Physical Features.

- (1) The dimensions of the vending shall not exceed 4 feet x 8 feet. This is the largest in operation size and states the largest exterior dimensions permitted (including wheels,

handles and similar parts). Fold-out shelves for larger merchandise are permitted, provided there will be no interference with pedestrian movement.

(2) **Mobility.** Vending carts must have at least two wheels. They must permit easy movement and maneuverability in the event of emergency and required relocation.

(3) **License Display.** The vending license must be clearly displayed on the cart in such a manner and location as to be clearly visible to customers.

(4) **Trash Receptacles.** Each vending cart will have provisions for vendor and customer trash disposal. Vendors are responsible for proper disposal of this trash whenever the

container becomes full or, at a minimum, at the conclusion of the day's operation.

(5) **Covers.** Umbrellas or canopies are desirable. The umbrella must not conflict with public passage on the right of way, nor be obtrusive to vendors' signs or neighboring business. The cover must be well maintained

(6) **Utility Connections.** Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the unit. Utility connections to neighboring properties shall be prohibited.

(7) **Fire.** A 5 pound ABC type dry chemical fire extinguisher is required for all vending carts utilizing a flame for any purpose.

C. Prohibited Features.

(1) Advertising other than the name of the vendor's business or suppliers.

(Advertising must appeal to the sensibilities of the general public.)

(2) Propulsion systems other than manual.

(3) Gas cylinders larger than 20 pounds.

(4) Vending directly from a motor vehicle is prohibited except for those provisions under .05(a).

D. Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.

E. All carts shall comply with standards and specifications described herein and adopted by the City. Failure to comply shall be sufficient grounds for rejection of a vending license application or suspension or revocation of any license issued.

2. **Maintenance.** All sidewalk vendor carts shall at all times be maintained in good condition and repair. Any repairs to or replacements of sidewalk vendor carts shall comply fully with the existing design criteria, standards and specification. No replacement cart may be placed into operation until approved.

3. **Carts Self-Contained.** All sidewalk vendor carts shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from the vending cart. Use of the sidewalk by a vendor for product display, storage, or disposal of trash shall be prohibited.

4. **Sign.** No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses.

(Ord. 63-2007, 8/13/2007, §1)

§10-1709. Sidewalk Vendor Operation Standards

1. **Days and Hours of Operation.** Sidewalk vendor sales may be conducted daily between the hours of 9:00 a.m. and 5:00 p.m. from October 1 through March 31 of each year and between

the hours of 9:00 am. and 7:30 p.m. from April 1 through September 30 of each year, unless otherwise permitted or restricted by regulations adopted by the City.

2. Daily Removal. Sidewalk stands and accouterments shall be removed from the sidewalk daily, not later than ½ hour after the close of business or and not returned thereto earlier than ½ hour before the time permitted for opening, unless otherwise provided by the regulations adopted by the City. Any item not removed from the sidewalk at the close of business may be removed and stored by the City of Reading. The vendor will be charged for costs, storage and the penalty prescribed under §10-1714 herein.

3. Safe and Sanitary Condition. Sidewalk vendor carts and vending areas shall be maintained in a safe, broom-clean and sanitary condition at all times. Sidewalk vendor carts licensed hereunder to sell food products shall:

A. Be subject to inspection at any time by a City of Reading Codes Inspector and shall at all times be licensed under and be in compliance with all applicable State and local codes.

B. If using portable heating or cooking facilities, subject to inspection at all times by the City of Reading Fire Marshal and Codes Office and shall comply with all applicable codes of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

4. Quiet Operations. Sidewalk vendors shall conduct business in an orderly fashion and shall not make loud or raucous noises or use sound amplifying devices to attract attention, nor verbally hawk or solicit product sales to pedestrians or motorists.

5. Use and Maintenance of Sidewalk. All sales and related activity shall be conducted from the vending area during which times the vending cart shall not be moved from the assigned vending location. No products shall be stored or displayed, on the sidewalk or any adjacent outside area. The sidewalk vendor shall be solely responsible to keep the sidewalk area free of trash, litter, debris or spillage generated by the vendor's business.

The vending cart shall be placed so as not to impede the free movement of pedestrian traffic. The use of tables, chairs, benches, etc., around the vending cart is strictly prohibited.

6. Public Liability Insurance. Each license holder shall maintain and provide the City of Reading with proof thereof, insurance for public liability, with minimum coverage of \$100,000 per individual and \$500,000 per incident.

7. Prohibitions. An object, device or structure as regulated under the terms of this Part shall be expressly prohibited when its construction, erection, installation or placement would result in any of the following conditions:

A. A passable sidewalk width less than 5 horizontal feet.

B. A horizontal projection from the building line in excess of 5 feet.

C. A reduction in sight triangle.

(Ord. 63-2007, 8/13/2007, §1)

§10-1710. Suspension or Revocation of License

A sidewalk vendor license shall be subject to suspension or revocation by the City for violation of any provision of this Part or any regulations promulgated or enacted hereunder, or violation of applicable State or local, including but limited to all health or safety regulations, zoning and taxation.

(Ord. 63-2007, 8/13/2007, §1)

§10-1711. Vending License Board

The Vending License Board shall consist of ~~the~~ one member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one member of the City of Reading Planning Commission or their designee, one employee from the Codes Office, Reading Police Traffic Enforcement and Public Works.

A. **Responsibilities.** The Vending License Board shall have the following responsibilities and duties:

- (1) Meet no later than December 30 annually to review and approve vendor license applications.
- (2) Determine vendor locations for each approved applicant within the Commercial Core Zoning District.
- (3) Recommend amendments to this Part to the Council of the City of Reading.

(Ord. 63-2007, 8/13/2007, §1)

§10-1712. Enforcement

This Part will be enforced under the jurisdiction of the City Codes Office and the Reading Police Department.

(Ord. 63-2007, 8/13/2007, §1)

§10-1713. Construction and Severability

In the event any provision, Section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

(Ord. 63-2007, 8/13/2007, §1)

§10-1714. Penalty

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$75 - \$1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

(Ord. 63-2007, 8/13/2007, §1)

BILL NO. _____2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 6 CONDUCT BY CREATING A NEW SECTION 402 OF PART A ENTITLED "FAILURE TO REPORT LOST OR STOLEN FIREARMS", WHICH WILL REQUIRE PROMPT NOTIFICATION TO AUTHORITIES OF LOST OR STOLEN FIREARMS AND IMPOSE PENALTIES.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. To amend the City of Reading Codified Ordinances, Chapter 6 Conduct by creating a new Section 402 of Part A as attached hereto in Exhibit "A".

SECTION 2. That all existing sections of Chapter 6, Part A, are hereby renumbered accordingly.

SECTION 3. This ordinance shall become effective in ten (10) days of approval in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

EXHIBIT A

Section 402. Failure to Report Lost or Stolen Firearms

1. **Prohibited Conduct.** No person who is the owner of a firearm that is lost or stolen shall fail to report the loss or theft to appropriate officials of the Reading Police Department within 24 hours after discovery of the loss or theft.
2. **Penalties for Violation.** Any person who violates this Section shall be subject to a fine of not more than \$1,000.00, or imprisonment for not more than 90 days, or both.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING POLICIES TO FACILITATE REQUESTS FOR PUBLIC RECORDS OF THE CITY OF READING, THE MANNER IN WHICH RECORDS SHALL BE DISSEMINATED, THE MANNER IN WHICH DECISIONS SHALL BE MADE CONCERNING DISSEMINATION OF PUBLIC RECORDS, AND ESTABLISHING A FEE SCHEDULE FOR DUPLICATION AND CERTIFICATION OF PUBLIC RECORDS OF THE CITY OF READING.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

CITY OF READING

POLICY FOR ACCESS TO PUBLIC RECORDS

§1-1001. Purpose. The purpose of this policy is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et. seq., as amended, to provide access to public records of the City of Reading, to preserve the integrity of records, and to minimize the financial impact to the residents of the City of Reading regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

It is the policy of the City of Reading to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the City of Reading. The City of Reading designates the Managing Director as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines.

§1-1002. Definitions

“Administrative proceeding.” A proceeding by an agency the outcome of which is required to be based on a record or documentation prescribed by law or in which a statute or regulation is particularized in application to individuals. The term includes an appeal.

“Agency.” A Commonwealth agency, a local agency, a judicial agency or a legislative agency.

“Aggregated data.” A tabulation of data which relate to broad classes, groups or categories so that it is not possible to distinguish the properties of individuals within those classes, groups or categories.

“Appeals officer.” As follows:

- (1) For a Commonwealth agency or a local agency, the appeals officer designated under section 503(a).***
- (2) For a judicial agency, the individual designated under section 503(b).***
- (3) For a legislative agency, the individual designated under section 503(c).***
- (4) For the Attorney General, State Treasurer, Auditor General and local agencies in possession of criminal investigative records, the individual designated under section 503(d).***

“Confidential proprietary information.” Commercial or financial information received by an agency:

- (1) which is privileged or confidential; and***
- (2) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information.***

“Financial record.” Any of the following:

- (1) Any account, voucher or contract dealing with:***
 - (i) the receipt or disbursement of funds by an agency; or***
 - (ii) an agency’s acquisition, use or disposal of services, supplies, materials, equipment or property.***
- (2) The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee.***
- (3) A financial audit report. The term does not include work papers underlying an audit.***

“Homeland security.” Governmental actions designed to prevent, detect, respond to and recover from acts of terrorism, major disasters and other emergencies, whether natural or manmade. The term includes activities relating to the following:

- (1) emergency preparedness and response, including preparedness and response activities by volunteer medical, police, emergency management, hazardous materials and fire personnel;***
- (2) intelligence activities;***
- (3) critical infrastructure protection;***
- (4) border security;***
- (5) ground, aviation and maritime transportation security;***
- (6) biodefense;***
- (7) detection of nuclear and radiological materials; and (8) research on next- generation securities technologies.***

“Independent agency.” Any board, commission or other agency or officer of the Commonwealth, that is not subject to the policy supervision and control of the Governor. The term does not include a legislative or judicial agency.

“Legislative record.” Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:

- (1) A financial record.***
- (2) A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the ruler.***
- (3) Fiscal notes.***
- (4) The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.***
- (5) The transcript of a public hearing when available.***
- (6) Any administrative staff manuals or written policies.***
- (7) An audit report***
- (8) Committee reports.***

“Local agency.” Any of the following:

- (1) Any political subdivision, intermediate unit, charter school, cyber charter school or public trade or vocational school.***
- (2) Any local, intergovernmental, regional or municipal agency, authority, council, board, commission or similar governmental entity.***

“Office of Open Records.” The Office of Open Records established in the Pennsylvania Right to Know Law

“Personal financial information.” An individual’s personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual’s personal finances.

“Privilege.” The attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of this Commonwealth.

“Public record.” A record, including a financial record, of a Commonwealth or local agency that:

- (1) is not exempt under section 708;***
- (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or***
- (3) is not protected by a privilege.***

“Record.” Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape,

photograph, film or sound recording, information stored or maintained electronically and a dataprocessed or image- processed document.

“Requester.” A person that is a legal resident of the United States and requests a record pursuant to this act. The term includes an agency.

“Response.” Access to a record or an agency’s written notice to a requester granting, denying or partially granting and partially denying access to a record.

“Terrorist act.” A violent or life-threatening act that violates the criminal laws of the United States or any state and appears to be intended to:

- (1) intimidate or coerce a civilian population;***
- (2) influence the policy of a government; or***
- (3) affect the conduct of a government by mass destruction, assassination or kidnapping.***

“Trade secret.” Information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique or process that:

- (1) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use;***
- and***

- (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.***

The term includes data processing software obtained by an agency under a licensing agreement prohibiting disclosure.

§1-1003 Presumptions

Requirement – A local agency shall provide public records in accordance with the Pennsylvania Right to Know Act.

Prohibition – A local agency may not deny a requester access to a public record due to the intended use of the public record by the requester unless otherwise provided by law.

General rule – A record in the possession of a local agency shall be presumed to be a public record. The presumption shall not apply if:

- 1. the record is exempt under this Act;***
- 2. the record is protected by a privilege; or***
- 3. the record is exempt from disclosure under any other Federal or State Law or regulation or judicial order or decree.***

Burden of Proof – The burden of proving that a record is exempt from public access shall be on the agency receiving a request by a preponderance of the evidence.

Exceptions – The following records are exempt from access:

- **records which would result in the loss of Federal or State funds**
- **records which would be likely to result in a substantial risk of physical harm to or the personal security of an individual**
- **records maintained for homeland security, law enforcement or other public safety activity that would jeopardize or threaten public safety or preparedness or public protection or a record that is designated classified by a military authority**
- **records that would create a reasonable endangering of the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system including:**
 - **documents or data relating to computer hardware, source files, software and system networks that could jeopardize computer security by exposing a vulnerability**
 - **lists of infrastructure, resources and significant special events, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments; and**
 - **building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.**
- **A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security.**
- **A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information.**
- **The following personal identification information:**
 - **A record containing all or part of a person's Social Security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal email addresses; employee number or other confidential personal identification number.**
 - **A spouse's name; marital status, beneficiary or dependent information.**

- *The home address of a law enforcement officer or judge.*

****Nothing in this paragraph shall preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency employee.***

****An agency may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record.***

- ***The following records relating to an agency employee:***
 - ***A letter of reference or recommendation pertaining to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.***
 - ***A performance rating or review.***
 - ***The result of a civil service or similar test administered by a Commonwealth agency, legislative agency or judicial agency. The result of a civil service or similar test administered by a local agency shall not be disclosed if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.***
 - ***The employment application of an individual who is not hired by the agency.***
 - ***Workplace support services program information.***
 - ***Written criticisms of an employee.***
 - ***Grievance material, including documents related to discrimination or sexual harassment.***
 - ***Information regarding discipline, demotion or discharge contained in a personnel file. This subparagraph shall not apply to the final action of an agency that results in demotion or discharge.***
 - ***An academic transcript.***
- ***A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings. This subparagraph shall not apply to a final or executed contract or agreement between the parties in a collective bargaining procedure.***
- ***In the case of the arbitration of a dispute or grievance under a collective bargaining agreement, an exhibit entered into evidence at an arbitration proceeding, a transcript of the arbitration or the opinion. This subparagraph shall not apply to the final award or order of the arbitrator in a dispute or grievance procedure.***
- ***The draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency.***

A record that reflects:

- ***The internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency***

members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.

- *The strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.*

The following shall apply to agencies subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) in a manner consistent with 65 Pa.C.S. Ch. 7. A record which is not otherwise exempt from access under this act and which is presented to a quorum for deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be a public record.

**This paragraph shall not apply to a written or Internet application or other document that has been submitted to request Commonwealth funds.*

**This paragraph shall not apply to the results of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion.*

- *A record that constitutes or reveals a trade secret or confidential proprietary information.*
- *Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.*
- *Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.*
- *Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.*
- *Academic transcripts*
- *Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.*
- *A record of an agency relating to or resulting in a criminal investigation, including:*
 - *Complaints of potential criminal conduct other than a private criminal complaint.*

- *Investigative materials, notes, correspondence, videos and reports.*
- *A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.*
- *A record that includes information made confidential by law or court order.*
- *Victim information, including any information that would jeopardize the safety of the victim.*
- *A record that, if disclosed, would do any of the following:*
 - *Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.*
 - *Deprive a person of the right to a fair trial or an impartial adjudication.*
 - *Impair the ability to locate a defendant or codefendant.*
 - *Hinder an agency's ability to secure an arrest, prosecution or conviction.*
 - *Endanger the life or physical safety of an individual.*

**This paragraph shall not apply to information contained in a police blotter as defined in 18 Pa.C.S. § 9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S. § 3754(b) (relating to accident prevention investigations).*

- *A record of an agency relating to a noncriminal investigation, including:*
 - *Complaints submitted to an agency.*
 - *Investigative materials, notes, correspondence and reports.*
 - *A record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law.*
 - *A record that includes information made confidential by law.*
 - *Work papers underlying an audit.*
- *A record that, if disclosed, would do any of the following:*
 - *Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court.*
 - *Deprive a person of the right to an impartial adjudication.*
 - *Constitute an unwarranted invasion of privacy.*
 - *Hinder an agency's ability to secure an administrative or civil sanction.*
 - *Endanger the life or physical safety of an individual.*

- **Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.**

****This paragraph shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.***

- **DNA and RNA records.**
- **An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.**
- **Draft minutes of any meeting of an agency until the next regularly scheduled meeting of the agency.**
- **Minutes of an executive session and any record of discussions held in executive session.**
- **The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:**
 - **The leasing, acquiring or disposing of real property or an interest in real property.**
 - **The purchase of public supplies or equipment included in the real estate transaction.**
 - **Construction projects.**

****This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.***

- **Library and archive circulation and order records of an identifiable individual or groups of individuals.**
- **Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution.**
- **A record identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public.**
- **A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate**

the bidder's or offeror's economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. § 513 (relating to competitive sealed proposals).

- *A record or information relating to a communication between an agency and its insurance carrier, administrative service organization or risk management office.*

**This paragraph shall not apply to a contract with an insurance carrier, administrative service organization or risk management office or to financial records relating to the provision of insurance.*

- *A record or information:*
 - *identifying an individual who applies for or receives social services; or*
 - *relating to the following:*
 - *the type of social services received by an individual;*
 - *an individual's application to receive social services, including a record or information related to an agency decision to grant, deny, reduce or restrict benefits, including a quasi-judicial decision of the agency and the identity of a caregiver or others who provide services to the individual; or*
 - *eligibility to receive social services, including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse.*
 - *Correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services.*

**This paragraph shall not apply to correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbyist disclosure).*

- *A record identifying the name, home address or date of birth of a child 17 years of age or younger.*
- *Financial records. — The exceptions set forth above. An agency shall not disclose the identity of an individual performing an undercover or covert law enforcement activity.*
- *Aggregated data. — The exceptions set forth in subsection (b) shall not apply to aggregated data maintained or received by an agency, except for data protected above.*
- *Construction. — In determining whether a record is exempt from access under this section, an agency shall consider and apply each exemption separately.*

1. All requests for public records of the City of Reading under this policy shall be specific in identifying and describing each public record requested. In no case shall the City of Reading be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the City of Reading does not currently compile, maintain, format or organize the public record. Requests for public records shall be submitted in writing by mail, in person, by email, or by facsimile and on a form provided by the City of Reading, as attached hereto entitled "Standard Right to Know Request Form."

~~§1-1003~~ 1005. Processing of Request Procedure

1. All requests for access to public records of the City of Reading shall be directed to the Managing Director of the City of Reading. The Managing Director's office shall be located in City Hall and made accessible to the public. Requests will be addressed within five days of receipt.

~~2. The Managing Director may designate certain employee(s) to process public record requests.~~

~~3. The City of Reading is responsible for minimizing, where possible, the financial impact to the City of Reading regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.~~

~~4. The Managing Director shall make a good faith effort to determine whether each record requested is a public record.~~

~~5. The Managing Director shall facilitate a reasonable response to a request for the City of Reading's public records. In no case is the City of Reading expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the City of Reading's administrative responsibilities and consistent with the requirements of the Pennsylvania Right to Know Law.~~

Upon receiving a request for a public record, the Managing Director shall do all of the following:

1. Note the date of receipt on the written request

2. Compute the day on which the five-day period will expire and make a notation of the date on the written request

3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled.

If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied

4. Create a file for the retention of the original request, a copy of the response, a record of written communications with the requestor and a copy of other communications.

~~§1-1004.~~ Response to Request.

1. The ~~designated employee~~ **Managing Director** shall respond to the requester within five (5) business days from the date of receipt of the written request. If the City of Reading does not respond within five (5) business days of receipt thereof, the request is deemed denied.

2. The response provided by the City of Reading shall consist of (1) approval for access to the public record; (2) review of the request by the ~~designated employee~~ **Managing Director**, or (3) denial of access to the record requested.

3. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the City of Reading. The Managing Director, or his designee, shall cooperate fully with the requester, while also taking reasonable measures to protect the City of Reading's public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

§1-1006. Review of Request.

1. If the request is being reviewed, the notice provided by the City of Reading shall be in writing and include the reason for the review, the expected response date, **and an estimate of applicable fees owed when the record becomes available**, which shall be within thirty (30) days notice of review. If the City of Reading does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

- (a) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
- (b) The record requires retrieval from a remote location;
- (c) A timely response cannot be accomplished due to staffing limitations;
- (d) A legal review is necessary to determine whether the record requested is ~~a public record~~ **subject to access**;
- (e) The requester has ~~failed to comply~~ not complied with the City of Reading's policy and procedure requirements; or
- (f) The requester refuses to pay the applicable fees; **or**
- (g) **The extent or nature of the request precludes a response within the required time period.**

2. If access to the record requested is denied, the notice provided by the City of Reading shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Records."

§1-1007. Denial of Request.

A request may be denied if the requester has made repeated requests for the same record and the repeated requests have placed an unreasonable burden on the agency. A denial for this purpose shall not restrict the ability to request a different record.

A request may be denied when timely access is not possible due to fire, flood, or other disaster.

A request may be denied if historical, ancient, or rare documents, records, archives and manuscripts when access may, in the professional judgment of the curator or custodian of records, cause physical damage or irreparable harm to the record.

1. If the request is denied or deemed denied, the requester may file exceptions with the City of Reading City Council within fifteen (15) business days of the mailing date of the Managing Director's notice of denial, or within fifteen (15) days of a deemed denial. The exceptions must:

- (a) Indicate the date of the original request;
- (b) Identify and describe the record(s) requested;
- (c) State the grounds upon which the requester asserts the record(s) is a public record;
- (d) Address any grounds stated by the School District in its notice of denial. The typed name, title, business address, business telephone number and signature of the open records officer on whose authority the denial is issued;***
- (e) Date of the response; and***
- (f) The procedure to appeal the denial of access under this act.***

2. A subcommittee of the City Council of the City of Reading, consisting of any three (3) Council persons, shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

3. ***Appeals of decisions rendered by City Council will be heard by the State of Pennsylvania's Office of Open Records.***

4. This policy shall be posted conspicuously at the Managing Director's office ***in addition to the contact information for the State Office of Open Records.***

~~§1-1005~~1008. Fees Associated with Request.

1. Fees for duplication of public records shall be as follows:
 - (a) Photocopying fees - \$2.00 first page; (\$.30 Cents per page thereafter):
 - (b) Certification of a public record - \$25.00 per record certified;
 - (c) Copying records onto electronic media – Twenty-**five** Dollars (\$25.00) plus actual cost of materials and media used for copying, and ***Note – this represents the current fee in the City's fee ordinance***
 - (d) Copying off-site of subdivision, land development or other plans – Twenty Dollars (\$20.00) plus actual cost incurred.
 - (e) Postage: Actual cost to the City of Reading of mailing the public record.

2. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the Managing Director shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense of City of Reading resources.

This policy shall take effect on ~~December 26, 2002~~ January 1, 2009.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(COUNCIL STAFF)

PUBLIC RECORD REVIEW/DUPPLICATION REQUEST
STANDARD RIGHT-TO-KNOW REQUEST FORM

Please print legibly.

Date of Request: _____

Request submitted by: E-MAIL U S MAIL FAX IN PERSON

Requester's Name (**Optional**):

Requester's Address (**Optional**):

City/County/State (**Required**):

Requester's Telephone (**Optional**):

~~I request review/duplication (circle applicable choice) of the following records.~~

~~**Important:** You must identify or describe the records with sufficient specificity to enable the City of Reading to determine which records are being requested. Use additional sheets if necessary.~~

RECORDS REQUESTED

****Provide as much specific detail as possible so the agency can identify the information.***

—

—

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—

~~I certify that I am a resident of the Commonwealth of Pennsylvania.~~

Signature of Requester

~~This request may be submitted in person, by mail or by facsimile to:~~

DO YOU WANT COPIES? YES NO

DO YOU WANT TO INSPECT THE RECORDS? YES NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES NO

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

*****Public bodies must fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this ordinance, the request must be in writing.***

*****Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law.**

PUBLIC RECORD REVIEW/ DUPLICATION REQUEST

To be completed by Managing Director:

Request No.: _____

Date Received: _____

Action Taken:

_____ Approved _____ Date of approval: _____

_____ Denied _____ Date notice mailed: _____

_____ Additional Review _____ Date notice mailed: _____

DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE

Date of Denial : _____

Requester's Name: _____

Requester's Address: _____

Re: ~~Denial of Request to Review and/or Duplicate~~ _____
Request No. _____
Date of Request: _____

Dear Mr./Mrs./Ms. _____

Please be advised that your request to review/duplicate [strike out inappropriate request] the following records:

~~has been denied for the following reason(s):~~

~~This denial is based upon the following legal authority:~~

~~You have the right to appeal this decision. If you appeal, you must either:~~

- ~~1. Within fifteen (15) days of the notice of denial or deemed denial, file exceptions with the City Council of the City of Reading in accordance with City of Reading's policy.~~

~~If you file exceptions, the City of Reading has thirty (30) days in which to respond to your exceptions, unless extended by the parties. The City Council of the City of Reading may decide to conduct a hearing within that time to assist in the making of decision.~~

~~-OR-~~

~~2. Within thirty (30) days of the notice of denial, or within thirty (30) days of the City Council's final decision (in the event that you have filed exceptions), you may file a petition for review in the Berks County Court of Common Pleas or bring an action in the local District Magistrate's office.~~

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

Denying the Conditional Use application for the conversion of 164 West Oley
Street to a two unit dwelling, owned by Benita Mejia.

Adopted by Council _____, 2008

Vaughn D. Spencer, President of Council

Attest:

Linda A. Kelleher, City Clerk

Conditional Use Application 164 West Oley Street

| | | |
|---------------------------|---|-----------------|
| IN THE MATTER OF | § | BEFORE THE |
| | § | |
| BENITA MEJIA | § | CITY OF READING |
| | § | |
| OWNER OF 164 WEST OLEY ST | § | CITY COUNCIL |
| READING, PA | § | |
| | § | |

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND AGREED RESOLUTION

On Wednesday, October 29, 2008 at 5:00 p.m. in Council Chambers, the City of Reading City Council (Council) met to hear testimony on the application to convert 164 West Oley Street, owned by Ms. Benita Mejia (Applicant), to a two (2) unit rental property.

Findings of Fact

1. The City of Reading Zoning Ordinance Section 1203 (4) limits multi unit rental properties to only the R-3 area and requires that the conversion of single family properties to multi-family properties be approved by Conditional Use by Council.
2. The Applicant submitted the required Conditional Use form, appeared with her son, Alex Mejia, at the hearing held on Wednesday, October 29, 2008 and requested that Council approve the conversion of this property.
3. The Applicant stated that when she purchased the property it was divided into two living units – the first unit is located on the first floor of the property and the second unit is located on the second and third floors of the property.
4. The Applicant expressed the belief that the property was illegally converted into 2 units before she purchased the property.
5. The Applicant stated that prior to moving to West Reading she and her family used the property as a single family unit.
6. The Applicant produced an agreement with St. Marks United Church of Christ, approximately 2 blocks away from the property, that will allow off street parking spaces. The Applicant also stated that the detached garage will also be available for the first floor tenant, satisfying the need to provide 1.5 off street parking spaces per unit.

7. The Applicant admitted that she applied for a business license and a housing permit and allowed one of the units to be occupied before the required permits were approved.
8. The Applicant stated that a “sliding ladder” type fire escape serves the second floor unit.

Conclusions of Law

The City of Reading Zoning Ordinance, part of the City’s Codified Ordinances, Section 27-1203 (4) requires that the conversion of single family properties to more intense residential use in R-3 areas be approved by Conditional Use by the City of Reading City Council. Section 27-1203 (4C) requires that 1.5 off-street parking spaces be provided per living unit and (4D) requires that the Applicant submit documents that indicate that all plumbing heating, electrical equipment and facilities are adequate and appropriate for the proposed use. The City of Reading Comprehensive Plan, adopted in 2000, stresses the lack of adequate parking in neighborhoods and requests that conversions of single family dwellings into multi-family dwellings be limited due to the over densification of neighborhoods and lack of adequate neighborhood parking.

Order and Agreed Resolution

As the Applicant failed to supply documentation indicating that all plumbing, heating and electrical equipment and facilities are adequate and comply with the City’s Property Maintenance and Trades Codes and, as the City of Reading Comprehensive Plan requests that additional conversions of single family dwellings be limited, the City of Reading City Council hereby concurs with the recommendation of the City of Reading Planning Commission and denies the Conditional Use application for the conversion of 164 West Oley Street, owned by Ms. Benita Mejia.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.

R E S O L U T I O N N O._____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Nilda Nieves is reappointed to the Police Civil Service Board,
with a term ending November 24, 2012.

Adopted by Council_____, 2008

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

R E S O L U T I O N N O._____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Barry Pease is appointed to the Animal Control Board, with a
term ending October 31, 2011.

Adopted by Council_____, 2008

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

R E S O L U T I O N N O._____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Carlos Torres is appointed to the Fire Diversity Board.

Adopted by Council_____, 2008

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk